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300 Pioneer Tower
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Telephone: 503.228.6351
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Attorneys for Defendant Corporation of the
President of The Church of Jesus Christ of
Latter-day Saints

FILED 05 SEP 29 16:03 USDC-ORP

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

GEORGE TOMASZEWSKI,
Plaintiff,
v.

JONATHAN L. CLAYSON; THE CHURCH
OF JESUS CHRIST OF LATTER-DAY
SAINTS, an unincorporated association;
CORPORATION OF THE PRESIDENT OF
THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a corporation sole;
and CORPORATION OF THE PRESIDING
BISHOP OF THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS, a
corporation sole,

Defendants.

CV '05 1515 - 1

Civil No.:

NOTICE OF REMOVAL

For the purpose of removing this action to the United States District Court for the
District of Oregon, defendant Corporation of the President of The Church of Jesus Christ of
Latter-day Saints ("COP") alleges:

Bullivant|Houser|Bailey PC

888 S.W. Fifth Avenue, Suite 300
Portland, Oregon 97204-2089
Telephone: 503.228.6351

NOTICE OF REMOVAL
Page 1

576.2

1. This is a civil action commenced in the Circuit Court of the State of Oregon for the County of Multnomah, Case No. 0508-08895, and entitled *George Tomaszewski v. Jonathan L. Clayton; The Church of Jesus Christ of Latter-day Saints; Corporation of the President of The Church of Jesus Christ of Latter-day Saints and Successors, a corporation sole; and Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints.*

2. Plaintiff filed this action on August 26, 2005. Plaintiff effected service of the summons and complaint on COP on September 2, 2005.

3. The following pleadings constitute all of the process, pleadings and orders received by COP in this action to date: the Summons and Complaint, true copies of which are attached hereto as Exhibit A and incorporated by reference.

4. The controversy between plaintiff and defendants is a controversy between citizens of different states. Upon information and belief, plaintiff is not a citizen of Oregon. COP is a Utah corporation sole with its principal place of business in Salt Lake City, Utah.

5. The amount in controversy exceeds \$ 75,000, exclusive of interest and costs. This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and the action is removable pursuant to 28 U.S.C. § 1446(b).

6. Pursuant to LR 3.4, venue is proper in the Portland Division of the U.S. District Court for the District of Oregon.

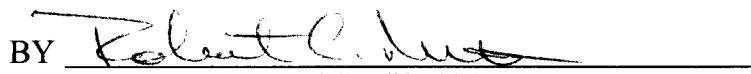
7. Pursuant to 28 USC § 1446(d), copies of this Notice of Removal are being served upon plaintiff's attorney and are being filed with the Clerk of the Circuit Court of the State of Oregon for Multnomah County.

WHEREFORE, COP prays the above-entitled action be removed from the Circuit Court of Multnomah County.

DATED this 29th day of September, 2005.

BULLIVANT HOUSER BAILEY PC

BY


Robert C. Muth, OSB #97171
J. Brad Lewis, OSB #89290
Telephone: 503.228.6351
Attorneys for Defendant Corporation of the
President of The Church of Jesus Christ of Latter-
day Saints

IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF MULTNOMAH

George R. Tomaszewski,)
)
 Plaintiff,) CASE NO. 050808895
)
 v.) SUMMONS
)
 Jonathan L. Clayson; Church of Jesus Christ of)
 Latter-Day Saints; Corp. of the President of the)
 Church of Jesus Christ of Latter-Day Saints and)
 Successors, a Corporation Sole; and Corp. of the)
 Presiding Bishop of the Church of Jesus Christ)
 of Latter-Day Saints, a Corporation Sole,)
)
 Defendants.)
)

TO: Corporation of the President of the Church of Jesus Christ of
Latter-Day Saints and successors, a corporation sole
Corporation Service Company, its Registered Agent
285 Liberty Street, NE
Salem, OR 97301

You are hereby required to appear and defend the Complaint filed against you in the above-entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, Plaintiff will apply to the Court for the relief demanded in the Complaint.

**NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY!**

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have any attorney, proof of service on the plaintiff.

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

DATED this 29th day of August, 2005.

Jeff Tomaszewski #04109 for
Steven M. Lippold, OSB #90323
Of Attorneys for Plaintiff

I, the undersigned attorney of record for Plaintiff, certify that the foregoing is an exact and complete copy of the original summons in the above-entitled action.

Jeff Tomaszewski #04109 for
Steven M. Lippold, OSB #90323
Of Attorneys for Plaintiff

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS:

You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individuals or other legal entities to whom this summons is directed, and to make your proof of service upon a separate document which you shall attach hereto.

Jeff Tomaszewski #04109 for
Steven M. Lippold, OSB #90323
Of Attorneys for Plaintiff

EXHIBIT # A

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10 IN THE CIRCUIT COURT OF THE STATE OF OREGON
11 FOR THE COUNTY OF MULTNOMAH

12 George Tomaszewski,)
13 Plaintiff,) Case No.: 050808895
14 vs.) COMPLAINT FOR PERSONAL INJURY
15 Jonathan L. Clayson; Church of Jesus Christ) Claim Not Subject to Mandatory Arbitration
16 of Latter-Day Saints; Corp. of the President)
17 of the Church of Jesus Christ of Latter-Day)
18 Saints and Successors, a Corporation Sole;)
19 and Corp. of the Presiding Bishop of the)
20 Church of Jesus Christ of Latter-Day Saints,)
21 a Corporation Sole,)
Defendants.)

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23 Plaintiff George Tomaszewski is a resident of Fountain Hills, Arizona.
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25 On information and belief, Defendant Jonathan L. Clayson is a resident of the State of
26 Idaho.

Page 1- COMPLAINT FOR PERSONAL INJURY

CLARK, LINDAUER, FETHERSTON, EDMONDS
LIPPOLD & COLLIER, LLP
ATTORNEYS
880 Liberty Street NE P.O. Box 2206
Salem, OR 97308-2206
(503) 581-1542 Fax (503) 585-3978

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2 The Church of Jesus Christ of Latter-Day Saints (hereafter "Church"), is a religious
3 organization located in Salt Lake City, Utah, but has a presence in Portland, Multnomah County,
4 Oregon where it performs religious services. The Corp. of the President of the Church of Jesus
5 Christ of Latter-Day Saints, Inc., (hereafter "President") and The Corp. of the Presiding Bishop
6 of the Church of Jesus Christ of Latter-Day Saints, Inc. (hereafter "Bishop") are Utah
7 corporations registered to do business as foreign non-profit corporations in the State of Oregon
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9 On September 4, 2003, an automobile collision occurred involving a vehicle driven by
10 George Tomaszewski and a vehicle driven by Jonathan L. Clayson. On information and belief,
11 Mr. Clayson was acting within the course and scope of his duties on behalf of Church and/or
12 President and/or Bishop at the time of the collision. On information and belief, the vehicle
13 operated by Mr. Clayson was owned by President and/or Bishop at the time of the collision.
14

15 The collision occurred on US Highway 101 near milepost 230 in Coos County, Oregon.
16

17 The collision occurred as a result of the negligence of Jonathan L. Clayson who created a
18 foreseeable risk of harm to the interests of the plaintiff in one or more of the following
19 particulars:

20 1. Failing to maintain proper control of his vehicle.
21 2. Failing to keep a proper lookout for the vehicle operated by Mr. Tomaszewski.
22 3. In following too closely behind the vehicle operated by Mr. Tomaszewski so as to
cause an unreasonable risk of harm to Mr. Tomaszewski.
23
24 4. Traveling at an unreasonable speed for the circumstances then and there existing.
25
26 //

Page 2- COMPLAINT FOR PERSONAL INJURY

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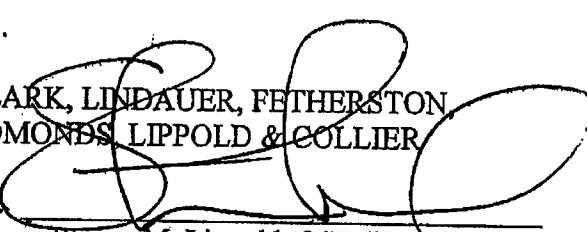
As a direct and proximate result of the conduct of Mr. Clayson, Mr. Tomaszewski suffered mental upset and anguish and bodily injury including injuries to his neck and shoulders, a longitudinal rupture of the right posterior tibial tendon, requiring surgery, and posterior tibial dysfunction with tendinosis tibialis posterior right ankle all to his noneconomic damage of \$150,000.00.

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As a direct and proximate result of the negligence of defendant, plaintiff has suffered economic damages in the form of past medical expenses in the amount of \$25,000, the amount to be amended prior to trial; and future medical expenses in an amount of \$10,000.

WHEREFORE, Plaintiff prays for judgment in his favor, for his costs and disbursements incurred herein, for economic damages in an amount of \$35,000 and for non-economic damages in the amount of \$150,000.00, and for any other relief the court deems equitable.

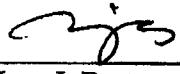
DATED this 26 day of August, 2005.

15 CLARK, LINDAUER, FETHERSTON
16 EDMONDS, LIPPOLD & COLLIER
17 By 
18 Steven M. Lippold, OSB #90323
19 slippold@clarklindauer.com
20 Attorneys for Plaintiff
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Page 3- COMPLAINT FOR PERSONAL INJURY

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880 Liberty Street NE P.O. Box 2206
Salem, OR 97308-2206
(503) 581-1542 Fax (503) 585-3978

1 The foregoing is a certified true copy of the original.
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Mary J. Barton
Assistant to Steven M. Lippold

Page 4- COMPLAINT FOR PERSONAL INJURY

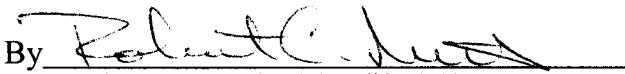
CLARK, LINDAUER, FETHERSTON, EDMONDS
LIPPOLD & COLLIER, LLP
ATTORNEYS
880 Liberty Street NE P.O. Box 2206
Salem, OR 97308-2206
(503) 581-1542 Fax (503) 585-3978

CERTIFICATE OF SERVICE

I, Robert C. Muth, certify that on September 29, 2005, I served the foregoing NOTICE OF REMOVAL TO FEDERAL COURT on the attorney of record herein, by mailing to said attorney a true copy thereof, contained in a sealed envelope, with postage prepaid, addressed to said attorney's last known address as shown below, and deposited in the post office at Portland, Oregon.

Steven M. Lippold
Clark, Lindauer, Fetherston, Edmonds
Lippold & Collier, LLP
880 Liberty Street NE
PO Box 2206
Salem, OR 97308-2206
Attorney for Plaintiff
George Tomaszewski

DATED this 29th day of September, 2005.

By 
Robert C. Muth, OSB #97171

Attorneys for Defendant Corporation of the President of
The Church of Jesus Christ of Latter-day Saints

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